

Remarks

Applicant first wishes to thank the Examiner for her detailed evaluation of the present application.

The current status of the present application is that Claims 1-12 are pending and Claims 13-17 are withdrawn. Of the pending Claims, Claims 1-7 and 12 are allowed and claims 8-11 are rejected. Applicant herein amends Claim 8 for the reasons discussed below and respectfully submits that Claims 8-11 are allowable.

At page 2 of the Office Action, the Examiner states that Claims 8-11 are rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At page 3 of the Office Action, the Examiner states that Claims 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 ¶ 2.

Specifically, the Examiner states that Claims 8-11 are “incomplete for omitting essential structural cooperative relationships of elements” and that the “omitted structural cooperative relationships are: It is not clear from the claims how an aperture plate detection assembly is related to the spectrophotometric system of Claim 1” (emphasis added).

Accordingly, Applicant hereby amends Claim 8 to specify that the aperture plate detection assembly is “positioned relative to the sample port” of the spectrophotometric system “for selecting an area of view for a sample”. For at least this reason, Applicant respectfully submits that Claim 8 is allowable and respectfully requests allowance thereof.

With respect to rejected Claims 9-11, such claims depend directly and/or indirectly from Claim 8. Because Claim 8 has been amended to recite the relationship between the aperture plate detection assembly and the spectrophotometric system, Applicant respectfully submits that Claims 9-11 are allowable at least by virtue of their dependency from Claim 8.

Conclusion

At least for the reasons stated herein, Applicant respectfully requests that a Notice of Allowance issue with respect to all pending claimed, e.g., Claims 1-12. Should there remain any questions or other matters whose resolution could be advanced by a telephone call, the Examiner is invited to contact the undersigned attorney at his number below. If any extension of time is required for the timely entry of this Amendment and Response, please consider this paper a petition therefore. If there are any fees due as a result of this Amendment and Response, the Examiner is authorized to charge them to Deposit Account No. 503570. The Examiner is also authorized to charge any deficiency and/or credit any overpayment to said Deposit Account.

Respectfully submitted,



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